

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

4 | Admiral Insurance Company,

Case No. 2:22-cv-00177-CDS-NJK

Plaintiff

## Order Denying Stipulation to Extend Time to File a Proposed Joint Pretrial Order

V.

Kabul, Inc., et al.,

[ECF No. 151]

## Defendants

10 On September 17, 2024, defendant/third-party plaintiff Kabul, Inc. and third-party  
11 defendant Gregg Eidsness Farm Bureau Financial Services (collectively the “parties”) submitted  
12 a stipulation to extend the deadline to submit their proposed joint pretrial order (JPTO), which  
13 was due on September 13, 2024. *See* ECF No. 151. Therein, they seek a 90-day extension of the  
14 deadline to file the JPTO, representing that there is good cause for the extension as the parties  
15 are discussing settlement and looking to participate in mediation. *Id.* at 2. Indeed, scheduling  
16 orders “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P.  
17 16(b)(4). “Rule 16(b)’s ‘good cause’ standard primarily considers the diligence of the party  
18 seeking the amendment.” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).  
19 The court cannot find good cause here. The stipulation was filed four days after it was due, and  
20 the existence of potential settlement negotiations does not constitute good cause to modify a  
21 scheduling order. *See, e.g., Gerawan Farming, Inc. v. Rehrig Pac. Co.*, 2013 U.S. Dist. LEXIS 24092, 2013  
22 WL 645741, at \*5 (E.D. Cal. Feb. 21, 2013). Neither party has shown that the settlement  
23 discussions would prevent the parties from exercising diligence to adhere to the existing case  
24 schedule.

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26

## Conclusion

2 Accordingly, the stipulation to extend time to file a proposed joint pretrial order [ECF  
3 No. 151] is denied without prejudice. The parties must file a proposed order by November 7,  
4 2024. The parties are further ordered to file a joint status report providing the status of  
5 settlement or their mediation efforts by the same date. 

Dated: October 7, 2024

Cristina D. Silva  
United States District Judge